



2026:AHC:56643

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 7441 of 2026**

Mathura

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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|-------------------------------|---|--------------------------|
| Counsel for Applicant(s)      | : | Anil Kumar, Rahul Pandey |
| Counsel for Opposite Party(s) | : | G.A.                     |

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**Court No. - 70**

**HON'BLE SANTOSH RAI, J.**

1. Two supplementary affidavits filed, today in Court, on behalf of the applicant are taken on record.
2. Heard learned counsel for the applicant, S.K. Chaudhary, learned AGA for the State-respondents and perused the record.
3. This bail application has been moved on behalf of accused-applicant Mathura seeking enlargement on bail in Case Crime No.248 of 2025, under Section 142 B.N.S., Police Station Kotwali City, District Mirzapur.
4. Tersely, as per the allegation contained in the FIR two accused persons, who are named in the FIR have kidnapped the minor daughter of informant.
5. Learned counsel for the applicant submits that the accused-applicant has not committed any offence as alleged in the FIR and has been falsely implicated in this case due to the fact that he is the father of co-accused Sunny, who is named in the FIR. Applicant is languishing in jail since 22.12.2025. It is submitted that applicant is not named in the FIR and no specific and distinct role of applicant has been assigned either in the FIR or in the initial statement of the informant recorded under Section 180 B.N.S.S. It is further submitted that the informant in his subsequent statement which was recorded during the course of investigation at very belated stage has stated that applicant had given some amount to his son Sunny and intimidated him to kidnap the victim. It is argued that the victim has not been recovered yet, therefore, her statement under Sections 180, 183 B.N.S.S. has not been recorded and applicant is father of co-accused Sunny, who is named in the FIR. It is further argued that as per the high school mark-sheet of victim available on record the date of birth of victim is 1.2.2008. It is next argued that applicant has criminal history of one case

which has been explained in para 3 of the supplementary affidavit filed on behalf of the applicant. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned AGA has opposed the prayer for bail of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage, therefore, he does not deserve any indulgence. It is further submitted that, in case the applicant is released on bail, he may again indulge in similar activities and misuse the liberty of bail.

7. Having considered the submissions of the parties noted above as also the fact that though applicant is not named in the FIR and no specific and distinct role of applicant has been assigned either in the FIR or in the initial statement of the informant recorded under Section 180 B.N.S.S., the informant in his subsequent statement which was recorded during the course of investigation at very belated stage, has stated that applicant had given some amount to his son Sunny and intimidated him to kidnap the victim, the victim has not been recovered yet, therefore, her statement under Sections 180, 183 B.N.S.S. has not been recorded and applicant is father of co-accused Sunny, who is named in the FIR, as per the high school mark-sheet of victim available on record the date of birth of victim is 1.2.2008, he is languishing in jail since 22.12.2025, keeping in view the uncertainty regarding conclusion of trial; larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of **Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677**, dictum of Apex Court in **Union of India vs. K.A. Najeeb (2021) 3 SCC 713** & **Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court.

(iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.

(iv) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances appearing in the evidence against him.

(v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly, in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

9. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

**March 19, 2026**  
RA

**(Santosh Rai,J.)**